

**REMARKS**

Claims 1-54 have been examined. With this amendment, Applicant adds claims 55-57. Applicant submits that the subject matter of claims 55-57 is supported at least at page 6, lines 5-10, page 7, lines 3-13, page 12, lines 4-9, page 13, lines 13-23, page 14, lines 16-22, page 16, lines 20-26 and page 18, lines 3-11, of the Specification. Claims 1-57 are all the claims pending in the application.

**I. Formalities**

Applicant thanks the Examiner for initialing and returning a copy of the form PTO-1449 submitted with the Information Disclosure Statement filed on March 27, 2001.

**II. Claim Rejections - 35 U.S.C. § 103**

The Examiner has rejected claims 1, 7, 13, 22, 23, 26, 32, 38 and 47-54 under 35 U.S.C. 103(a) as being unpatentable over Some et al. (US 5,841,148) ["Some"] in view of Branson (US 5,740,801) ["Branson"]. For at least the following reasons, Applicant respectfully traverses the rejection.

The Examiner concedes that the claimed arranging or switching in sequence as set forth in independent claims 1 and 26 is not disclosed by Some but applies Branson to allegedly cure the deficiency.

The Examiner contends that Applicant's arguments in the filing of August 24, 2004, were not persuasive with respect to the lack of motivation to combine the references. The Examiner still contends that one skilled in the art would have been motivated to combine the references to provide "Some a system which performs a zooming function for increasing size of images on the

output device and reduces interlaced noise on an interlaced video display device.” Office Action at page 4.

“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the of the combination.” MPEP at 2100-131. Here, for at least the reasons given below, Applicant submits that the Examiner’s proffered reason is clearly not supported by the prior art.

The invention in Some includes image zooming functions, e.g. image data enlarging/reducing section 70 (col. 11, lines 5-15, Fig. 3). Therefore, the Examiner’s reason to combine the references with respect to the zooming function is not supported since Some already includes this feature. Applicant also notes that the Examiner did not rebut Applicant’s argument in the filing of August 24 that one skilled in the art would not have been motivated to combine the references as contended by the Examiner because the zooming function is already disclosed by Some.

With respect to the interlace function, Applicant argued in the filing of August 24 that Some uses still images, therefore, there is no motion to create interlaced noise. The Examiner contends that Applicant’s argument was not persuasive and that “Applicant argues that the prior art does not teach or suggest motion to create interlace noise.” The Examiner then cites Branson to allegedly support his position that interlace noise is taught by the prior art. Office Action at page 2.

Applicant submits that the Examiner has clearly mischaracterized or misinterpreted Applicant’s argument. Applicant’s argument is not that the prior art does not teach or suggest

motion to create interlace noise, Applicant's argument is that the still images in Some do not have motion that would create interlace noise. This makes the motion-based interlacing of Branson irrelevant to Some. To combine the references, the prior art, not the Examiner's unsupported speculations, must provide the motivation or suggestion to modify Some, the primary reference, to include interlace noise correction.

Some discloses the display of two images (Fig. 4), which are taken one hour apart (col. 11, lines 25-45). These images are processed in order to be superimposed for possible subtraction (col. 11, lines 59-67). Applicant submits that the superimposition would create a single still image. Accordingly, Some makes clear that it is a still image that is displayed, not a video, hence, no interlace noise. There is no disclosure or suggestion in Some of displaying video images, let alone video images that have motion, or that its image processing method would be compatible with video images.

Accordingly, one skilled in the art would not have combined the references as suggested by the Examiner. Since the Examiner's proffered reason for combining is not supported in the prior art, Applicant submits that the Examiner has failed to make a *prima facie* case of obviousness.

Since the Examiner has not fully addressed Applicant's argument in the filing of August 24, including the arguments submitted for claim 26, Applicant incorporates the arguments in the August 24 filing in their entirety.

Applicant submits that the remaining claims are patentable at least by virtue of their respective dependencies.

In addition, the Examiner has rejected claims 53 and 54 by contending that Branson discloses automatically formatting images, which allegedly corresponds to the claimed automated interimage processing. Applicant submits that any purported automatic formatting in Branson relates to scaling or sizing an individual frame and thus does not apply to inter-image processing as claimed for the reasons to be detailed below.

Some discloses that an operator manually selects the pairs of points used for image processing on the images (col. 12, lines 47-52). This manual selection allows for shortening of the calculation time used for template matching (col. 3, lines 41-45). Applicant submits that the manual selection of two regions of interest is the main “inventive” feature of Some (see col. 3, lines 40-45). Therefore, Some teaches away from automating the interimage processing.

The MPEP is clear in that the proposed modification cannot change the principle of operation of a reference. MPEP at 2100-132. Here, Applicant submits that automating the interimage processing to eliminate the operator step clearly changes the principle of operation of the invention in Some. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness.

In addition, the Examiner’s cited section in Branson discloses the automatic formatting of an image for display (see col. 19, lines 20-36). Applicant submits that, at most, this describes intraimage processing, not the claimed interimage processing.

The Examiner has rejected claims 11 and 36 under 35 U.S.C. 103(a) as being unpatentable over Some and Branson and further in view of Ishihara et al. (US 5,241,473) [“Ishihara”]. For at least the following reason, Applicant respectfully traverses the rejection.

Because Ishihara does not cure the deficient teachings of Some and Branson with respect to claims 1 and 26, Applicant submits that claims 11 and 36 are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 2-6, 8-10,12, 14-21, 24, 25, 27-31, 33-35, 37 and 39-46 under 35 U.S.C. 103(a) as being unpatentable over Some and Branson and further in view of Gupta et al. (US 6,292,683 131) ["Gupta"]. For at least the following reason, Applicant respectfully traverses the rejection.

Because Gupta does not cure the deficient teachings of Some and Branson with respect to claims 1 and 26, Applicant submits that claims 2-6, 8-10,12, 14-21, 24, 25, 27-31, 33-35, 37 and 39-46 are patentable at least by virtue of their respective dependencies.

### **III. New Claims**

With this amendment, Applicant adds claims 55-57. Because independent claim 55 recites features similar to those given above with respect to claim 1, Applicant submits that claim 55 is patentable for at least reasons similar to those given above with respect to claim 1. Applicant submits that claims 56 and 57 are patentable at least by virtue of their dependency on claim 55, as well as the features set forth therein.

### **IV. Conclusion**

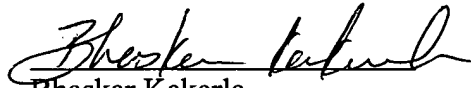
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.114(c)  
U.S. Serial No. 09/748,384

Attorney Docket No.: Q61247

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bhaskar Kakarla  
Registration No. 54,627

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: August 3, 2005